

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

IHN.080.WUS

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on _____

Signature _____

Typed or printed name _____

Application Number

10/583,789

Filed

June 21, 2006

First Named Inventor

Jyrinki

Art Unit

2175

Examiner

Zahr, A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Erin Nichols Matkaili/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

 Signature
Erin Nichols Matkaili

Typed or printed name

☒ attorney or agent of record.
Registration number 57,125

952-232-6907

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

September 2, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appellant:	Jyrinki	Examiner:	Zahr, A.
Serial No.:	10/583,789	Group Art Unit:	2175
Filed:	June 21, 2006	Docket No.:	IHN.080.WUS
Confirmation No.:	6884	Customer No.:	10888
Title:	METHOD FOR SHARING CALENDAR CONTENT IN COMMUNICATIONS SYSTEM, COMMUNICATIONS SYSTEM AND TERMINAL		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this paper is being electronically transmitted by EFS-WEB to the United States Patent and Trademark Office on September 2, 2011.

By: /Erin Nichols Matkaiti/
Erin Nichols Matkaiti

**APPELLANT'S STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is presented by Appellant in compliance with the USPTO OG Notice of 12 July 2005 on New Pre-Appeal Brief Conference Pilot Program. Appellant is requesting a pre-appeal brief conference on the belief that the rejection of record is clearly in error and is without basis. Appellant's request is based upon a clear legal or factual deficiency in the rejection, rather than an interpretation of the claims or the prior art teachings. As such, Appellant believes this request for pre-appeal brief review is appropriate.

The sole § 103(a) rejection is based on the teachings of U.S. Publication No. 2002/0063732 by Mansikkaniemi *et al.* (hereinafter "Mansikkaniemi") as modified by those of U.S. Patent No. 7,171,448 to Danielson *et al.* (hereinafter "Danielson").

While Appellant has multiple issues for appeal, the primary purpose for submitting this particular request for review concerns omissions of essential elements required for a *prima facie* obviousness rejection. Although each of the independent claims is rejected in the final Office

action (dated June 13, 2011) in view of Mansikkaniemi and Danielson, neither reference has been shown to teach or suggest each of the claimed features. The example features at issue for purposes of this request for review relate to associating the calendar notes with one or more calendar profiles in a terminal on the basis of the detected text patterns. To establish a *prima facie* § 103(a) rejection of at least the independent claims, these features must be present in Mansikkaniemi or Danielson as the Examiner alleges.

There is at least one missing element.

The Examiner acknowledges that Mansikkaniemi does not specifically disclose “‘detecting a text pattern in one or more calendar notes’ and ‘on the basis of the detected text patterns each calendar profile defining a unique view to the calendar entries’” but alleges that Mansikkaniemi discloses “‘associating the one or more calendar notes with one or more calendar profiles in a terminal’”. However, each of the independent claims recites that the association of the calendar notes with one or more profiles is performed on the basis of the detected text patterns.

As Mansikkaniemi has not been shown to teach detecting a text pattern in one or more calendar notes, the asserted association feature cannot be based on the detected text patterns. However, Danielson has also not been shown to teach associating calendar notes with one or more calendar profiles in a terminal on the basis of detected text patterns.

Danielson teaches parsing and pattern matching descriptive text in an activity data field (asserted as corresponding to the claimed calendar notes) to search and store background information related to an upcoming activity/meeting. The background information is obtained from the web (Col. 20, lines 30-31) to prepare/supplement a user’s information prior to a meeting. However, this extraneous background information does not correspond to a calendar profile. Notably, the background information is obtained from sources outside Danielson’s collaborative tool (asserted as corresponding to a calendar application). While Danielson teaches parsing and pattern matching descriptive text, there is no teaching or suggestion that calendar notes are associated with one or more calendar profiles based on the parsed or matched text.

Rather, Danielson fails to teach or suggest a calendar profile (or any equivalent thereof), that affects viewability of a calendar note, based on a text pattern detected from the calendar note itself. As set forth above, Danielson makes no mention of a calendar profile or any equivalent thereof. While the Examiner asserts that the obtained background information provides a unique view of the activity data field when the data field is selected by the user (Danielson, claim 1), the activity data field is asserted as corresponding to the claimed calendar note. Selection of an asserted calendar note to view a unique view of the calendar note does not correspond to the claimed use of calendar profiles. Thus, Danielson also has not been shown to teach or suggest associating calendar notes with one or more calendar profiles in a terminal on the basis of detected text patterns, as claimed in independent claims 1, 5, 10, and 14. Without a presentation of correspondence to each of the claimed features, the rejection is in error, and Appellant accordingly requests that the rejection be reversed.

Mansikkaniemi has not been shown to correspond to several dependent claims.

The Examiner relies solely on the teachings of Mansikkaniemi as teaching several of the dependent claim features. However, this reliance is misplaced.

With particular respect to the rejection of dependent claim 22, the claim requires that the apparatus generate calendar content to be shared by modifying the calendar notes associated with the shared calendar content. Notably, the claimed generation is performed by the apparatus, not a user. Thus, the assertion that a user may create and edit events does not provide correspondence to the claimed modification of calendar notes by the apparatus. Without a presentation of correspondence to each of the claimed features, the rejection is in error, and Appellant requests that the rejection be reversed.

With particular respect to the rejection of dependent claims 19 and 23, the claims require that the calendar profile comprise a work profile, and modifying the content comprises removing non-work-related personal information from the content. The assertion that Mansikkaniemi's family calendar would correspond to the claimed work profile does not provide any correspondence to the claimed removal of personal information from calendar content generated for the work profile. Without a presentation of correspondence to each of the claimed features, the rejection is in error, and Appellant requests that the rejection be reversed.

With particular respect to the rejection of dependent claim 25, the claim requires that the apparatus modify the calendar notes by providing a modified note to describe user availability in the context of both the calendar profile and on the basis of times of day associated with the calendar entries. Again, the claimed modification is performed by the apparatus, not a user. Thus, the assertion that a user may create and edit events does not provide correspondence to the claimed modification of calendar notes by the apparatus. Without a presentation of correspondence to each of the claimed features, the rejection is in error, and Appellant requests that the rejection be reversed.

It is respectfully submitted that there is an omission of an essential element needed for a *prima facie* presentation of obviousness. Mansikkaniemi and Danielson at least fail to teach the claimed association of calendar notes with one or more calendar profiles in a terminal on the basis of detected text patterns. Appellant believes these claim features are erroneously being overlooked, and consequently there is an omission of an essential element(s) required for a *prima facie* rejection.

It is Appellant's position that the Examiner's reliance on Mansikkaniemi and Danielson is in error, as Mansikkaniemi and Danielson fail to address at least using a detected text pattern in a calendar note as claimed.

Appellant believes that this statement, when viewed together with the prosecution history, sets forth clear grounds for a finding that the rejection based upon Mansikkaniemi and Danielson is in error and without basis.

The undersigned is of record and with authority to prosecute the appeal on behalf of the Assignee.

Respectfully submitted,

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